

REMARKS AND ARGUMENTS

Applicant respectfully requests entry of the amendments herein, and reconsideration and allowance of all of the claims of the application. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits. Claims 1, 3-14 and 16-20 are presently pending. New claims 21-23 are added herein.

Claim Amendments

Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends some claims herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references. Furthermore, Applicant adds new claims 21-23 herein. All amendments and features of the new claims are fully supported by the Application and therefore do not constitute new matter.

Claim Rejections under 35 USC § 112 1st paragraph

The Examiner rejects claims 1, 9 and 14 under 35 USC § 112, 1st paragraph, as failing to comply with the written description requirement. In particular, the Examiner indicates that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed

invention. In particular, the limitation "restarts the timer" is not disclosed in the Specification.

Applicant respectfully disagrees and submits that the limitation "restarts the timer" is clearly disclosed in the Specification and, therefore, complies with 35 USC § 112, 1st paragraph. However, to expedite prosecution, Applicant amends these claims to avoid the phrase "restarts the timer". As such, this basis of rejection is traversed and Applicant respectfully requests its withdrawal.

Claim Rejections under 35 USC § 112 2nd paragraph

The Examiner rejects claim 9 under 35 USC § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicates that the limitation "the plurality of availability rules" lacks sufficient antecedent basis. Applicant respectfully traverses this rejection.

By way of this amendment, claim 9 has been amended to avoid the use of "the plurality of availability rules". Therefore, Applicant submits that claim 9 satisfies 35 USC § 112, 2nd paragraph and respectfully requests withdrawal of this basis of rejection.

Claim Rejections under 35 USC § 103(a)

The Examiner rejects claims 1, 4-8, and 14 under 35 US § 103(a) as being unpatentable over US 2001/0052849 A1 (Jones) in view of US 2007/0082668 (Silver). Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent claim 1 recites a telecommunications device. The device includes a positioning controller adapted to determine positioning information which generally corresponds to a location of a first user of the telecommunication device. The device also includes a wireless communications controller. The wireless communications controller transmits the positioning information to a second user monitoring the telecommunications device. The second user defines a first boundary condition. The wireless communications controller also transmits a first user request from the first user to the second user to change the first boundary condition to a second boundary condition. An audible alarm is generated if the telecommunications device is determined to be beyond a current boundary condition. The current boundary condition is either the first boundary condition or the second boundary condition if the first user request is approved by the second user.

Jones describes a wearable location monitoring and communication system. See, e.g., Jones, Title. The wearable device is capable of determining its current geographic location from the GPS signal and comparing such location to a stored set of rules defining permissible or impermissible geographic zones. Upon a breach of such rules, the device will automatically report notification of the breach to a central server which will communicate notification to a designated endpoint or party monitoring the device. *Id.*, Abstract.

Clearly, Jones nowhere teaches or suggests a wireless communications controller is adapted to enable a first user, who is being monitored by a second user, to send a request to have a first boundary condition defined by the second user to be changed to a second boundary condition as required by claim 1. To compensate for the defects of Jones, the Examiner relies on Silver.

In order to determine obviousness, it is necessary to look at the interrelated teachings of the multiple patents and the background knowledge possessed by a person having ordinary skill in the art to determine whether there was an apparent reason to combine the known elements in the fashion as claimed. Furthermore, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness," *KSR Int'l Corp. v. Teleflex, Inc.*, Slip Op. at 14 (U.S. Apr. 30, 2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

The Examiner's reason for combining the references is that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the call routing of Silver into the position monitoring of Jones for the purposes of automatically directing calls based on user's location so that the user can always be contacted." See *Action*, page 5, second paragraph. Applicant submits that the Examiner's reason is merely conclusory without any rational underpinning to support the legal conclusion of obviousness. The Examiner, in concluding obviousness, has overlooked or failed to take into consideration the interrelationship of the references and the background knowledge possessed by a person having ordinary skill in the art to determine whether there was an apparent reason to combine the known elements in the fashion as claimed. See, *KSR* at 14.

As already discussed, Jones is directed to a wearable location monitoring and communication system in which a party or user monitors a wearer of a device. When the wearer breaches a geographic zone defined by the monitoring party, the monitoring party will be notified of the breach.

Silver, on the other hand, discloses a system for automatically routing calls to a customer or subscriber. The customer establishes a profile as to how calls to him/her are routed. Silver's system, unlike the one in Jones, does not monitor a location of a wearer. The systems of Silver and Jones are different and serve different purposes. Therefore, Applicant submits that there is no rational basis for one of ordinary skill in the art to combine Jones with Silver, as indicated by the Examiner.

Even if the references were combined, Applicant submits that such a combination still fails to render claim 1 unpatentable.

Jones, as already discussed, nowhere teaches or suggests the limitation that a wireless communications controller is adapted to enable a first user, who is being monitored by a second user, to send a first user request to have a first boundary condition which is defined by the second user to be changed to a second boundary condition.

The addition of Silver fails to cure this defect. Silver describes a system in which a customer defines a profile as to how calls to him/her are routed. Silver, like Jones, also nowhere teaches or suggests having a first user, who is being monitored by a second user, to send a first user request to change the first boundary condition boundary condition, which is defined by the second user, to a second boundary condition. This is because the system in Silver is not used to monitor a first user by a second user.

Based on at least the foregoing reasons, Applicant submits that claim 1 and its directly and indirectly dependent claims are patentable over Jones and Silver. Furthermore, these claims may also be patentable for additional independent reasons.

For example, newly added claim 21 which depends on claim 1, recites that the

first and second boundary conditions comprise a warning boundary condition including a start and threshold boundary condition. The audible alarm is generated having a first volume if the telecommunications device is determined to be beyond the start boundary condition of the warning boundary condition and increases to a maximum volume when the threshold boundary condition is reached. Applicant submits that the limitations of claim 21 are nowhere found in Jones and Silver, alone or in combination. Therefore, claim 21 is further patentable over Jones and Silver.

Independent claims 9 and 14 recite a telecommunications system and method, respectively. The system and method require similar limitations as the device of claim 1. Therefore, for at least similar reasons as claim 1, independent claims 9 and 14 as well their directly and indirectly dependent claims are patentable over Jones and Silver. Furthermore, these claims may also be patentable for additional independent reasons.

For example, newly added claims 22 and 23 which depend on claims 9 and 14, respectively, recite similar limitations as claim 21. Applicant submits that, for similar reasons as claim 21, claims 22 and 23 are further patentable over Jones and Silver.

The Examiner rejects claims 9-11 under 35 USC § 103(a) as being unpatentable over Jones in view of US 6,762,684 (Camhi) and further in view of Silver. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

As already discussed, there is no suggestion to combine Jones with Silver. Additionally, Applicant submits that there is no suggestion to combine Camhi with Jones and/or Silver. Even if there were, such a combination still fails to render claims 9-11 unpatentable.

Independent claim 9 recites a telecommunications system with similar limitations as the telecommunications device of claim 1. As already discussed, claims 1, 9 and 14 are patentable over Jones and Silver. In particular, Jones and Silver fail to teach or suggest a wireless device which is adapted to enable a first user, who is being monitored by a second user, to send a first user request to have a first boundary condition which is defined by the second user to be changed to a second boundary condition.

The addition of Camhi fails to cure the defects of Jones and Silver. Camhi describes a monitoring system. The monitoring system is used to monitor, for example, an individual who is confined to or restricted from certain geographic areas. See, *Camhi*, col. 4, lines 54-56. Upon a processor detecting that the subject is beyond his permitted geographic confines, an annunciator may provide an audible or visual warning to the subject simultaneously with or followed by a communication of such out of boundary condition. *Id.*, col. 5, lines 13-23.

Applicant submits that Camhi, like Jones and Silver, nowhere teaches or suggests a wireless device which is adapted to enable a first user, who is being monitored by a second user, to send a first user request to have a first boundary condition, which is defined by the second user, to be changed to a second boundary condition. This is evidenced by the fact that the Examiner relies on Camhi to teach that the telecommunications device is "determined to be outside said first predetermined geographic range for longer than a predetermined period after said audible alarm has been generated." See *Action*, page 11, last full paragraph. Therefore, the addition of Camhi fails to cure the defects of Jones.

Based on the foregoing reasons, Applicant submits that claims 1, 9 and 14 as

well as their directly and indirectly dependent claims are patentable over Jones, Camhi and Silver, alone or in combination. Furthermore, these claims may be patentable for additional independent reasons.

The Examiner rejects claims 3, 12-13 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Jones, Camhi and Silver as applied to claims 1 and 14 above, and further in view of US 7,034,690 (Chaco). Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

As already discussed, there is no suggestion to combine Jones, Camhi and Silver. Additionally, Applicant submits that there is no suggestion to combine Chaco with Jones, Camhi and/or Silver. Even if there were, such a combination still fails to render these claims unpatentable.

Claims 3, 12-13 and 16-20 ultimately depend on either independent claim 1, 9 or 14. As already discussed, claims 1, 9 and 14 are patentable over Jones, Camhi and Silver. In particular, Jones, Camhi and Silver fail to teach or suggest a wireless device which is adapted to enable a first user, who is being monitored by a second user, to send a first user request to have a first boundary condition which is defined by the second user to be changed to a second boundary condition.

The addition of Chaco with Jones, Camhi and Silver does not render independent claims 1, 9 and 14 unpatentable. Chaco describes an infant monitoring system. The Examiner relies on Chaco only to teach "an administrative device adapted to display location information when the wireless device is outside said second predetermined range." See *Action*, page 15. Applicant submits that the defects of Jones, Camhi and Silver, as previously discussed, are not cured by Chaco.

Based on the foregoing reasons, Applicant submits that claims 1, 9 and 14 as well as their directly and indirectly dependent claims are patentable over Jones, Camhi, Silver and Chaco, alone or in combination. Furthermore, these claims may be patentable for additional independent reasons.

Conclusion

In view of the foregoing, Applicant believes that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Should the Examiner believe that a telephone conference would expedite prosecution of this application, please contact me at your convenience.

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Respectfully submitted,



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